

1 BRIAN J. STRETCH (CABN 163973)
United States Attorney

2 BARBARA J. VALLIERE (DCBN 439353)
3 Chief, Criminal Division

4 THOMAS R. GREEN (CABN 203480)
Assistant United States Attorney

5 1301 Clay Street, Suite 340S
6 Oakland, California 94612
7 Telephone: (510) 637-3680
Facsimile: (510) 637-3724
8 Thomas.Green@usdoj.gov

Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 ROGER TUCKER,

17 and

18 ANTHONY SIMPSON,

19 Defendants.

CR 16-00230 JD

**STIPULATION AND ~~PROPOSED~~ ORDER
VACATING TRIAL DATE AND EXCLUDING
TIME UNDER THE SPEEDY TRIAL ACT**

20
21 Defendant Anthony Simpson and the government stipulate and jointly request the Court to
22 vacate the trial date of June 26, 2017, and exclude time under the Speedy Trial Act until a June 28,
23 2017 status conference.

24 The parties seek to vacate the trial date to allow Defendant and his counsel to have sufficient
25 time to prepare for trial and consider a pre-indictment resolution of additional gun charges the
26 government may bring, as well as potentially filing motions. Mr. Simpson also needs additional time to
27 review the evidence in this case with his counsel in preparation for trial or a possible
28

STIPULATION AND ~~PROPOSED~~ ORDER VACATING THE TRIAL DATE AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT
CR 16-00230 JD

1 resolution. Limited visiting hours at Santa Rita Jail have made it difficult for Mr. Simpson to meet with
2 his counsel, who has made multiple trips to Santa Rita where they either could not meet, or had their
3 visits involuntarily shortened. Mr. Simpson is located in a unit without a visitation space, and on more
4 than one occasion, Santa Rita personnel have been unable to timely move Mr. Simpson from his unit to
5 a visitation space, even during attorney allowed visiting hours. The parties jointly request that the trial
6 date be vacated to provide Mr. Simpson with additional time for him and his counsel to review the
7 discovery, conduct legal research, engage in plea negotiations, potentially file motions and conduct
8 further investigation into the crimes alleged. For these reasons, the parties stipulate and agree that the
9 trial date should be vacated, and that time should be excluded from calculations under the Speedy Trial
10 Act from the date of this stipulation to June 28, 2017 for effective preparation. *See* 18 U.S.C. §§
11 3161(h)(7)(A) and (B)(iv).

12 For the reasons stated above, the parties stipulate to and jointly request the Court vacate the June
13 26, 2017 trial date and set this matter for a status conference on June 28, 2017. The parties also jointly
14 request and stipulate to an exclusion of time under the Speedy Trial Act for Mr. Simpson from April 26,
15 2017 to June 28, 2017, pursuant to 18 U.S.C. §§ 3161(h)(6), (h)(7)(A) and (B)(iv). The parties agree
16 that the ends of justice served by the requested continuance outweigh the best interests of the public and
17 defendant in a speedy trial, and failing to exclude this time would deny counsel the reasonable time
18 necessary for effective preparation, taking into account the exercise of due diligence. The parties agree
19 that time should be excluded for the entire period of time from April 26, 2017 to June 28, 2017, pursuant
20 to 18 U.S.C. § 3161(h)(6).

21 DATED: May 17, 2017

22 Respectfully submitted,

23
24 BRIAN J. STRETCH
United States Attorney

25
26 /s/ Laura Robinson
LAURA ROBINSON
27 Attorney for Defendant

26 /s/ Thomas R. Green
THOMAS R. GREEN
27 Assistant United States Attorney

1 **[PROPOSED] ORDER**

2 Based on the reasons provided in the stipulation of the parties, the Court vacates the trial date set
3 for June 26, 2017, and orders the parties to appear for a status conference on June 28, 2017. The Court
4 further orders that time is excluded from Speedy Trial Act calculations from April 26, 2017, to June 28,
5 2017, pursuant to 18 U.S.C. § 3161(h)(6). The Court further orders that time is also excluded from
6 Speedy Trial Act calculations from May 17, 2017, to June 28, 2017, pursuant to 18 U.S.C.
7 §§ 3161(h)(7)(A) and (B)(iv), to allow defendant time for effective preparation for trial. The Court finds
8 that the ends of justice served by excluding the above period of time outweigh the best interest of the
9 public and the defendant in speedy trial.

10
11 IT IS SO ORDERED.

12
13
14 DATED: May 23, 2017

